

ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action and the interview, and this paper is being generated as a response thereto.

Claims 1, 3-22, and 24-31 remain in this application. Claims 2 and 23 have been canceled. The Examiner has acknowledged that claims 1, 7-22, and 24-28 are directed to allowable subject matter.

Claims 3, 4, 5/3,5/4, 6, 29, 30, 31/29, and 31/30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pecan (U.S. 6,603,825) in view of Kim *et al.* (U.S. 5,710,981). For the following reasons, the rejection is respectfully traversed.

Claim 3 recites a threshold setting means for setting a threshold setting that is “varied depending on said *transmission* condition” (lines 12-13, emphasis added). Claim 4 recites similar limitations at lines 11-12, while claim 29 recites similar limitations at lines 16-17. Claim 30 recites a step of “setting a variable threshold of an electric field intensity level, wherein said threshold setting is varied depending on said *transmission* condition” (emphasis added). The cited references do not teach the cited limitations of claims 3, 4, 29, and 30.

The Examiner admits that Pecan does not suggest a threshold setting means or step as recited in the claims. Accordingly, the Examiner cites Kim as teaching the cited limitations at col. 2, line 40 to col. 3, line 53 and at col. 8, lines 34-65. However, a close reading of the cited sections does not support the Examiner’s rejection.

The cited section states that the Kim device “adjusts the received signal using a selected adjustment parameter to produce a degraded signal” (col. 3, lines 5-6) which is then used to determine a “threshold adjustment parameter” which is associated with the degraded signal (col. 3, lines 27-33). Thus, Kim teaches that its received signal must be modified and changed (by degrading it) before the signal can be used for determining the “threshold adjustment parameter”. This is not a “transmission condition” as recited in the claims. Instead, Kim evaluates a signal that has been transformed, and that is dependent upon the modification that is made to the received signal.

In contrast, the claims clearly recite that the threshold setting of the invention according to the claims is varied depending on the "transmission condition", not some modified, transformed signal. Accordingly, Kim does not teach adjusting its adjustment parameter based on the *transmission* condition, as recited in the claims. Consequently, claims 3, 4, 29, and 30 are patentable over the combination of the references.

Furthermore, claim 3 also recites that the threshold setting means is for "automatically setting a threshold of an electric field intensity level based on the transmission condition *of the received signal*" (emphasis added). Claim 29 recites similar limitations at lines 9-13. Thus, this additional language also supports the above argument, and thus claims 3 and 29 are patentable over the combination of the references for that reason as well.

The remaining claims depend on one or more of claims 3, 4, 29, and 30, and thus are patentable over the references for at least the same reasons as the parent claim(s).

Finally, the Examiner has failed to provide the proper motivation for making the combination. Stating that it would be "obvious...in order to ensure appropriate power control based solely on received signal strength" is clearly not a legally sufficient motivation for modifying the base reference. It is nothing more than a generalized benefit that could pretty much be cited for a multiplicity of modifications. There is nothing that would suggest to one skilled in the art to make the specific modification that the Examiner is proposing. Thus, the Examiner has failed to support a prima facie case of obviousness, and thus the rejection should be withdrawn.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32930.

Respectfully submitted,

PEARNE & GORDON, LLP

By: 

Robert F. Bodi, Reg. No. 48,540

1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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